

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**CENTER FOR BIOLOGICAL
DIVERSITY,**

Plaintiff,

v.

**U.S. DEPARTMENT OF THE
INTERIOR,**

Defendant,

and

**AMERICAN FARM BUREAU
FEDERATION and OREGON FARM
BUREAU FEDERATION,**

Intervenor-Defendants.

No. 3:18-cv-00359-MO

ORDER

MOSMAN, J.,

For the reasons stated on the record at the oral argument held on June 10, 2019, Plaintiff's Motion for Summary Judgment [22] is GRANTED. Defendant's and Intervenor-Defendants' Motions for Summary Judgment [27, 28] are DENIED. Defendant will comply with the following requirements, as jointly proposed by the parties:

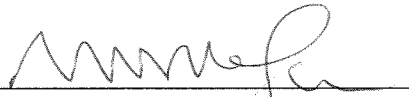
1. The United States Fish and Wildlife Service's (FWS) final rule listing the streaked horned lark as threatened and establishing a special rule under ESA Section 4(d), *see* 78 Fed. Reg. 61,452 (Oct. 3, 2013), is remanded to FWS without vacatur. Pending the completion of

remand, the streaked horned lark shall remain listed as threatened and the special rule shall remain in effect.

2. FWS shall submit a proposed rule regarding the streaked horned lark to the Federal Register on or before March 31, 2021.
3. FWS shall publish a final listing determination and, as applicable, a special rule for the streaked horned lark to the Federal Register in accordance with the statutory deadlines in 16 U.S.C. § 1533(b)(6)(A)–(B).
4. FWS shall notify the other parties and the Court as soon as practicable if it becomes aware of any development that might hinder its ability to meet either of these deadlines.

IT IS SO ORDERED.

DATED this 5th day of July, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge